

FRANKLIN COUNTY AREA PLAN COMMISSION

MEMORANDUM & MINUTES

AUGUST 11, 2021

COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM 203

Those Present: Robert Braun, Vice-President; Ed Derickson, Christine Rains, Rob Seig, Connie Rosenberger, Tammy Davis, Commission Attorney, Cindy Orschell, Executive Director, and Glenn Bailey.

Pledge of Allegiance

Roll Call

Minutes of July 14,2021-MOTION- Ed Derickson suggested the minutes needed to reflect that Franklin County Highway Department approved the driveway for the Wurlzebacher property and that the Business District starts at the BMV and boat storage down to Gillman's with residential in between them. With those changes Rob Seig made a motion to accept the minutes, Christine Rains 2nd AIF MC.

Application

Bob Braun then read Application CU-5-21-22015 for Reid Hospital & Health Care Services, Inc. to permit a clinic in a Planned Business District at 11051 State Road 101 in Brookville Township, parcel # 24-10-11-300-008.000-003. Bob Braun then asked if the notifications were in order? Cindy Orschell said to let the record show the proof of notifications are in order. One card was not signed but returned, Tammy Davis tracked it down on July 26,2021, it had been sent to property address but needed to be sent to mailing address, came back undelivered. Bob Braun then asked if the APC could proceed and Tammy Davis answered yes. Bob Braun then called on Bob Harmeyer to discuss/explain the Reid Health Clinic Plans for the property on SR 101, approximately 20,000 square feet. Bob Harmeyer said the building would be brick and stone exterior with a steel frame and flat roof, to keep the building low. Inside the floor plan would have areas for primary care, rehab gym, as well as areas for Xrays, MRIs, during normal business hours. There would be parking for 120 cars and an inside maximum capacity of 156 people. Ingress and egress would be off of SR 101. He discussed the retention ponds to hold water during storms, location of dumpster, trees and shrubs plantings in buffer area to separate clinic from neighboring properties, and lights on timers to control any bleeding to residential areas. The lights would be on islands as opposed to the perimeters. At this point Bob Braun asked for input from the public. Hans Beck gave his address as 8113 Catfish Ct. which adjoins the proposed Reid Property, concerns focused on water runoff due to problems with drainage in the subdivision, location of dumpsters, amount of asphalt for parking that would also create runoff and the need for retention ponds. Bob Harmeyer said he was in talks with the sewer board, over preparations for a 100 year flood and the retention ponds. Hans Beck also talked of the need to keep neighborhood children in mind when planning. Bob Harmeyer said they were willing to add a swale and enlarge the buffer area to allow for more setbacks, move the dumpster to the northeast area of the parking lot which would be farther away from any homes, and that no water would go off site. Hans Beck then asked about the parking lot and entrance to the facility. Bob Harmeyer responded that there would be one entrance with two parking lots. One lot up front for patients and a lot in the back for staff with a driveway 24' wide, two entrances to the building with a loop around the back for staff entrances. Hans Beck asked about flipping the driveway to allow more space. Bob Harmeyer said the surveyor wanted it there to allow more room for a swale to help with drainage. Ed Derickson asked for an explanation of driveway slope and water run-off. Bob Harmeyer explained and showed details of proposed swale on south side of property. Rob Seig said he had reviewed the plans, the drainage criteria exceeds IDOT's minimums, should hold for 100 year storm. Rob Seig also talked about elevation figures and the need to adapt to be sure the swale gets the water into the retention ponds, and perhaps adjust the parking area a few feet to allow for more room between property line with neighbors. Hans Beck asked if Rob Seig had surveyed the property because Hans said it looks like he had lost 2 feet to a new

survey. Hans then spoke of past water issues and stated if we get water from the development there will be problems. Bob Braun asked if there was anyone else to address the APC. John Kennedy spoke up as a neighbor concerned over property values, having a big building crammed in next door, and what an eyesore it would be. His property is just across the line and 5' setback isn't very far. He thanked the APC for listening. Bob Braun asked for anyone else again. Ed Derickson then said he appreciated the concerns of citizens that came forward and wanted to read a letter he wrote about the issue of emails going to people on both sides of the matter under consideration. Basically Ed Derickson thought doing so would help the situation and cause both sides to better understand the situation. He apologized for any bad feelings his action may have caused. Ed Derickson went on to say he doesn't believe in "kicking the can down the road", Had concerns about drainage, need for development, and depth of retention ponds. Ed Derickson felt the biggest concern was for the state of Indiana to do a better job of dredging the ditches and being sure the culverts under driveways were at appropriate elevation. In the end Ed Derickson said there were too many issues to allow a start date of August 31 of this year. Bob Harmeyer responded that he is in talks with INDOT and they will address all issues with the Reid property, lastly that the retention ponds will be 4'-5' in depth. Rob Seig then spoke to the drainage issue and INDOT requirements, ditch designs to keep water off of the highway etc. Rob Seig spoke of other issues with drainage on SR 101 and the possibility of grant money that may be available to help on the area around the Reid property. Finally, Rob Seig said he would like to see the final plans and how they meet the issues brought up this evening. Bob Braun brought up the recent rain in the area that totaled 7", asking if the drain control at Reid could handle that. Rob Seig gave his opinion as to the potential problems and stated elevation figures as well as diameter of pipes and backflow potential. Ed Derickson asked if the retention ponds could be deeper, what about the setbacks on either side, could the driveway be switched around. Rob Seig talked about the ordinance he just put in on drainage and the possible need for a variance to it. Ed Derickson asked about the distance between the buildings and the parking lot. Bob Harmeyer said the retention ponds could go deeper, the setbacks were 31' on the north, 40' on southside building to property lines. Ed Derickson asked if it is possible to flip the driveway, Bob Harmeyer said it would put the building closer to the property lines. Utilities lines might be moved on the northside to add more room also. Rob Seig asked if the utilities have to be on the northside? Rob Seig said that if the utilities were switched that would allow more room for drainage on the southside. Bob Braun once again asked if there was anything else? Hans Beck addressed Rob Seig saying, no more runoff than now, no water leaving the site, but it will end up in the ditch no matter what you say. Rob Seig explained how the 12" pipe with a 6" orifice to hold back discharge and slow down runoff. Hans Beck said he didn't care if the retention ponds were 5', 3', 2' sooner or later there will be runoff and a child could drown in 6" of water. Bob Braun asked if there was anything else? Hearing nothing, Bob Braun then asked for the will of the Board. Christine Rains talked about moving the utilities will cause more problems, Hans Beck said he isn't worried about the utilities, his concern is water on his property. Ed Derickson asked Rob Seig about moving the driveway to improve area for a swale as well as moving the building somewhat. Bob Harmeyer said he would get with the engineers to see how they can redesign the area a little. Rob Seig asked about setbacks? Cindy Orschell stated 5' on sides 15' on back and 10' on the front. Rob Seig asked if APC is approving plans. Tammy Davis said APC makes a recommendation to the BZA. Bob Braun asked if anyone was working on a motion?

MOTION: Rob Seig made a motion to send a favorable recommendation to the BZA with five conditions 1. A 10' setback on the southside and raising the parking area to help to improve swale moving water west to retention ponds, 2. An existing 25' easement needs to be vacated, 3. Lights that won't bleed to neighbors, 4. Manhole with backflow preventor to help drain northside water to southside retention ponds, 5. Dumpster moved to northeast area of parking lot. Christine Rains 2nd. AIF MC.

Violation Reports-Bob Braun asked for a report from Tammy Davis and Cindy Orschell concerning work they had done about Fines and Violations. Tammy Davis explained the revisions which included ideas for having incentives to get people to comply with the violation. These would include having extra fees for

noncompliance after 30, 60, 90 days of perhaps \$100.00 each time. Bob Braun then asked for ideas from the APC. Ed Derickson asked for clarification on attorney fees. Tammy Davis explained how that works. Bob Braun asked if the board could levy fines without court process. Tammy Davis said if the board has approval to do so. A citizen asked about a grace period and how the violations worked, which Tammy Davis explained that yes we are willing to work if we see good intentions. The citizen thanked Tammy Davis for the information. Christine Rains pointed out the board is trying to get people to comply. Tammy Davis explains how the process works to the person in violation and gives them time to comply. Connie Rosenberger stated she liked a tier system if they are given an incentive to comply. Tammy Davis said yes, \$500.00 and then a tier system. Bob Braun asked if we should continue discussion. Next the discussion turned to Section 80.03.09: Planned Business District changes. This involved taking out the word "any" and replacing it with "business" in the statement "all applications for any use in P-B" to "all applications for business use in P-B". Bob Braun asked if this is something we can do now? Cindy Orschell said we would have to advertise first. Next Section 80.11.08: Public Notification delete the statement "The size of the display add is as follows: a. and b.". then adding to the statement "All other notices shall be per Indiana Code". Section 80.11.08: Public Notification letter E. 1. Legal Notices-Delete all and replace with "As per Indiana Code". Next Section 80.10.01: Definition of a Subdivision under A. #2 ADD: "as of the passage of this ordinance dated the 28th day of March of 2011, Resolution #2011-14. Bob Braun asked about taking action tonight, but it involved changing citizen code so it would have to be advertised. Cindy Orschell then brought up another difficult definition that needs to be dealt with- Camping. A short discussion followed no action taken at this time. Bob Braun then asked about site plans. Cindy Orschell said she felt she had developed a solution for that to help citizens understand what is needed.

Violation Report-

Cregar - There has been contact with Mr. Cregar but we are waiting on a survey which Rob Seig is working on to see where the road and property line is, so it can be determined whether or not setback requirements are in violation.

Smith- Property has some improvement with 2 cars being removed and a dumpster.

Matthews - Cindy Orschell had spoken to the County Commissioners about the Whipple and Matthews property.

Whipple - Tammy Davis said she is hopeful that a resolution is forthcoming although Mr. Whipple is incarcerated.

D&J - Cindy Orschell stated there had been no improvement on the D & J property. Bob Braun felt it is time to act on the D & J violation, it has been going on since October 2020. Tammy Davis asked if the fence is appropriate. Tammy Davis said she would look into that. Rob Seig asked for clarification on setbacks and if anything is in the setback then it is in violation. Tammy Davis said yes. Rob Seig asked what section that was in. Cindy Orschell said 80.08.03. Rob Seig said Silver Creek Rd. he shows a 30' right-of-way

Broering - cleaning up is ongoing as of last site visit. Property owner is incarcerated, Tammy Davis has reached out and will see what the status is.

Sturgill - property Cindy Orschell said they were in the office in June but she has seen nothing new happening since then. Bob Braun said we need to sent a letter.

Godsey & Peters - Cindy Orschell said on Godsey she is hoping it gets taking care of soon. We did get a survey and a permit was issued, letter sent on July 28, 2021.

Rose -Cindy Orschell said Tammy Davis sent a letter on the 9th of August.

Merrill - violation is still waiting on the state to decide which has been going on since the end of June.

Cooper- the letter was returned, I'll check with the treasurer office, not sure how to get in contact with the owner.

Schuler – complaint just came in.

Bowling - Cindy Orschell has had no response.

Kolodzik - has been issued permit #22014.

ADJOURNMENT - **Motion**-Christine Rains made a motion to adjourn, Rob Seig 2nd. AIF MC. Adjourn at 8:58pm.